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**VIA ECF**

Honorable Vernon S. Broderick, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 415  
New York, New York 10007

Re: Catlin Ins. Co., et al. v. Sentinel Ins. Co., Ltd., et al.  
Case No. 1:23-cv-05355-VSB-VF

Dear Judge Broderick:

This firm represents Defendant Sentinel Insurance Company, Ltd. ("Sentinel") in the above-referenced action. We write concerning Plaintiffs' continued failure to comply with Your Honor's Orders. Specifically, Plaintiffs have failed to comply with Your Honor's October 18, 2024 Order (the "Order"). ECF Doc. No. 79.

As Your Honor may recall, on October 16, 2024 the parties appeared for a hearing before Your Honor where Mr. Partom Palazzo testified as to the members of Plaintiffs FPG Clinton Acquisition, LLC ("FPG") and Fortis Property Group, LLC ("Fortis"). Following that conference, Your Honor issued the Order requiring Plaintiffs to file certain submissions by November 1, 2024:

- Sworn statements from Louis Kestenbaum, Joel Kestenbaum, and Terrence Storey, addressing their citizenship, as well as their membership in Fortis;
- An affidavit listing the members of FPG and the citizenship of each member; and
- If WWIG, LLC has an ownership interest in FPG, Plaintiffs were ordered to file an affidavit listing the members of WWIG, LLC and the citizenship of each member.

Plaintiffs have not filed any of the required sworn statements or affidavits.

Plaintiffs' continued failure to comply with orders of this Court limits Sentinel's ability to comply with Your Honor's July 17, 2024 Order (ECF Doc. No. 58) requiring Sentinel to amend its notice of removal within fourteen days of Plaintiffs' filing of the sworn affidavits. Given the history of this case, Sentinel respectfully requests that Plaintiffs' action be dismissed for failure to comply with Your Honor's Order (particularly in light of Plaintiffs' failure to also comply with multiple prior orders of both Your Honor and Magistrate Judge Figueredo), or in the alternative, that Plaintiffs be required to file the sworn statements and affidavits forthwith. To the extent that

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Plaintiffs are granted additional time to file the sworn statements and affidavits, Sentinel requests a fourteen day extension from such filings to file its amended notice of removal.<sup>1</sup>

Sentinel thanks the Court for its continued time in connection with this matter.

Respectfully submitted,

*Melissa K. Driscoll*

Melissa K. Driscoll

Plaintiffs are ordered to comply with my October 18, 2024 Order requiring affidavits from various stakeholders as to the citizenship of the entities in this action by November 14, 2024. (Doc. 79.) The deadline for Defendant to amend its notice of removal is hereby extended to December 2, 2024. If Plaintiffs do not comply with my October 18, 2024 Order by November 14, 2024, I will dismiss this action for failure to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b).

Dated: November 6, 2024

**SO ORDERED:**

  
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**HON. VERNON S. BRODERICK**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> On October 7, 2024, Sentinel filed a motion for sanctions for Plaintiffs' well-documented and continued failure to comply with this Court's orders and their discovery obligations going back to 2023. Plaintiffs failed to oppose that motion and were thereafter granted an extension until November 4, 2024 to do so. On that date, Plaintiffs requested a further after-the fact extension, claiming that they had embarked on a belated search for responsive documents and information that were due over one year ago. However, Sentinel's pending motion seeks sanctions as a result of Plaintiffs' numerous past failures to respond to Sentinel's discovery and comply with this Court's orders. Plaintiffs have faced no consequences for commencing this action and failing to prosecute it, move this case forward, and respond to long-outstanding discovery, including failing to comply with Your Honor's original July 17, 2024 Order requiring Plaintiffs to file a sworn affidavit by July 24, 2024 listing the members of FPG and Fortis that could have obviated the need for the hearing and this over two-month delay.